



October 26, 2020

By ECF

Honorable Victor Marrero
United States District Court for the Southern District of New York
500 Pearl St.
New York, New York 10007-1312

Rachelle Navarro

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Re: National Coalition on Black Civic Participation v. Wohl (20-cv-8668)

Dear Judge Marrero:

We write on behalf of Plaintiffs in the above-referenced action. Following this morning's hearing, Plaintiffs' counsel re-listened to the recorded robocall at issue. In doing so, Plaintiffs' counsel learned that there was a transcription error of the robocall's content in both the Complaint and Memorandum of Law in Support of Temporary Restraining Order and Preliminary Injunction.¹ The last line of the robocall states, "Stay safe and beware of vote by mail."

This transcription error has no bearing on the merits of the relief requested. Defendants' attempt to intimidate voters by disseminating blatant lies about mail-in voting during a worldwide deadly pandemic is not just an assault on mail-in voting; it is also an assault on the right to vote itself.² If voters are intimidated from voting by mail-in ballot, they are left with two choices: vote in person and risk potential exposure to COVID-19, or do not vote at all.

We are available to answer additional questions on this issue or any other.

Respectfully submitted,

Rachelle Navarro

Cc: Defendants Jack Burkman and Jacob Wohl (by email)

¹ This transcription error also occurs in the Declarations of Plaintiffs Mary Winter, Gene Steinberg, Karen Slaven and Kate Kennedy.

² In addition, the right to vote by the lawful means of one's choosing is encompassed within the right to vote, even outside the context of a worldwide pandemic.